UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,905	02/12/2004	Wanrong Lin	9432-000267	6086

27572	7590	11/23/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09/08/2005</u>.

2a)☐ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment and arguments

1.   This office action is in response to amendment and remarks filed on September 8, 2005. Applicant's arguments have been fully considered but they are not deemed to be persuasive. Claims 1-21 are being considered for examination.

Applicant on page 8 of his remarks arguing", "[I]n contrast, Tang's teachings are generally directed towards a desktop prototype that facilitates communication between users via instant messaging. (page 221) The prototype is meant to be a stand-alone application that runs on computer desktops, mobile devices, and conventional telephones. (page 221) At best Tang's teachings suggest multiple desktop prototypes that communicate user information to one another via communication tools. (page 222) Each desktop prototype manages information about its own user and communicates the information upon request to another user. (page 222) No where does Tang show teach or suggest a server-based architecture that manages and automatically disseminates presence and availability schedules of multiple users to multiple users who subscribe to the information as does Applicant's invention".
Examiner disagrees with the argument that communication between users is established through instant messaging. In Tang's invention, the awareness information is provided by contact list for a selected set of people (registered with the system), and it does not care whether both users are logged in or just the requesting user. See page 222, Left col., contact list, under "Contact List", the 1st item is "whether, the user is logged in and using ConNexus". Additionally, see224, Left col. where he specifically indicates that "[M]uch of the benefit from the ConNexus comes from the awareness in the Contact List, without using IM (i.e., Instant Messaging). Later on the same page Right col., he indicates that: "[T]he Contact List tries to help you determine whether people are available for contact, Each entry in the Contact List include a name, the local for where the user is

(or most recently) active, and any communication activity information".

Regarding the argument that "each desktop prototype manages information about its own user and communicates the information upon request to another user", Examiner disagrees with this argument. Tang on page 224, specifically teaches that the awareness functionality is provided in ConNexus to wireless devices, which indicates the information is server based. Later on page 224, Left col., Tang teaches that "We wanted both to enable mobile users who were away from their desktop computer to maintain awareness of their collages, and to maintain awareness of mobile users when they left their desktop". How it is possible to maintain where about of a collages at all times without using a central management element that forward the information about that collage automatically and who is subscribed to the information. This is not instant messaging, as indicated by Tang on page 224, left col., 3rd paragraph.

Later on the same page, applicant arguing that: "[I]t would not be obvious to one skilled in the art to include in Tang's teachings a datastore that stores integrated schedule information. A datastore that stores integrated schedule information would not be necessary in Tang's desktop prototype because schedule information about multiple users (or an integrated schedule) is not processed, managed, or disseminated by the desktop prototype".

First applicant in the previous paragraph argued that Tang does not show "a server-based architecture that manages and automatically disseminates presence and availability schedules of multiple users to multiple users who subscribe to the information as does Applicant's invention" (above). Which indicate that the management system is separate from user's desktop. Now applicant arguing that the Teng's desktop prototype does not manage scheduled information. Which imply that applicant

expects that Teng's system, as part of the system, and not as a separate entity, should manage and disseminate schedule information. It is unclear what applicant is arguing. However, as far as the claim language is concerned, the system of Tang does not explicitly recite a datastore, even though as explained above, system of Tang is server based and manage contact information on a server (See also page 226, Fig. 9, and Awarenex server), and for that reason, Manable is used to show use of datastore in order to store contact data is well known in the art.

Later on page 8, applicant arguing that: "[M]anabe's teachings are generally directed towards a client-server method and system for promoting smooth communications in a chat system. (Col 1, lines 7-16) Manabe's registry method does not suggest a subscription service that allows a user to register or subscribe oneself to automatically receive notifications regarding schedule information that is derived from a calendar service. At best, Manabe's registration service allows users to register keywords that may be used by a status detection module to judge the users status (Col 6, lines 51-67). According to
Manabe, a user registers the keywords once, allowing other users to initiate a request to receive status information via the keywords. (Col 6, lines) For example, a keyword is registered by a user such as a nickname. When the keyword is entered by another user when attempting to communicate with the first user, the keyword is used by a detection module to detect the proper status of the user. (Col 7, lines 4-8) The status of the user can be "absent," "working," or "responding." (Col 7, lines 1 ,2) The status is determined from activity on the user's terminal. (Col 7, lines 9-21) The status is not derived from a schedule publication element or calendar service.
If however, Manabe did disclose a schedule subscribing element configured to subscribe users to automatically receive notifications regarding schedule information, it would not be obvious to one skilled in the art to include a schedule subscribing element in Tang's desktop prototype as it would not be necessary

to subscribe to one's own desktop application. A central server
that manages subscriptions would be necessary to facilitate
subscription".

In response, this argument is not found persuasive, because
applicant argues the patentability of claims by individually
addressing the references used to reject the claims. It is noted
that the claims above are rejected as being obvious using a
combination of the references and not a single reference.
Applicant can not show non-obviousness by attacking the
references individually where as here the rejections are based on
a combination of references, **In re Keller,** 208 USPQ 871 (CCPA
1981).

Manable is used to show that "receiving notification by registered
subscribers" is known in the art. In other words it is used to show
that users who are part of an entity, should register in order to be
supported by an information management server.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms

the basis for all obviousness rejections set forth in this Office

action:

> (a) A patent may not be obtained though the invention is
> not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that
> the subject matter as a whole would have been obvious at
> the time the invention was made to a person having
> ordinary skill in the art to which said subject matter
> pertains. Patentability shall not be negatived by the manner
> in which the invention was made.

3.   Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et el. (ConNexus Awarenex: Extending awareness to mobile users, by John C. Tang, et al. March 4, 2001) in view of Manabe et al. (US Pat. No. 6,584,494, hereafter Manabe).

As to claim 1, Tang taught the system as claimed including a system for automated availability information (see Tang, pages 221-228), comprising:
dissemination of presence and a schedule publication element configured to acquire schedule information associated with at least one user (Tang, page 222, L. col., under The ConNexus User Interface Design, awareness cues...); a schedule management element configured to receive schedule information from said schedule publication element (Tang, page 222, L. col., contact list);

a schedule distribution element receptive of said integrated schedule information from said schedule said schedule management element and being responsive to subscribing element to maintain a data store identifying those subscribers to receive notifications regarding presence and availability information and to effect the dissemination of presence and availability to said subscribers (Tang, page 222, R. col. contact toolbar).

The system of tang does not clearly teach of "Storage system". However, it is well known in the art at the time the invention was made to store the contact list information on a storage place in order for the reason that users or subscribers can find the contact information from there and be able to make contact when the contact person is available. Therefore, it would have been obvious for a person ordinary skill in the art at the

time the invention was made to <u>store</u> the information on a <u>storage medium</u> in order to be able to retrieve the information.

Additionally, the system of Tang does not clearly teaches of "registration services". However, registry system in which the users are registered to receive information is well known in the art as it is evidenced by Manabe (Manabe, col. 1, lines 26-38, col. 2, lines 16-26, and col. 6, lines 51-62), for the reason to be able to notify and receive the availability information in an IM system. Therefore, it would have been obvious for a person ordinary skill in the art at the time the invention was made to use the registry method of Manabe for notifying and receiving notification into the Awarenex system of Tang, because this makes the system of Tang more versatile and efficient.

As to claim 2, Tang teaches of IM on page 222, L. column.

As to claim 3, the system of Tang teaches of the human interface through which user inputs schedule information in Figure 1, and Figure 2.

As to claim 4, the system of Tang teach of schedule publication element is adapted to obtain schedule information from a calendar service (page 222, R. col. last paragraph, starting with "In the Contact Toolbar...".

As to claims 5-6, the system of Tang teach of schedule management element communicating with said schedule distribution element using a push/pull interface whereby information retrieved from said storage system is automatically sent to said schedule distribution element (Tang, page 222, R. col. contact toolbar, and last paragraph to page 223 L. col. first partial paragraph, access to on line director card).

As to claim 7, the system of Tang teaches of calendar of the user, which is open mode and makes the entire schedule available

(Tang, page 224, L. col. under Preliminary Use Experience With a Working Prototype, second paragraph).

As to claim 8, the system of Tang teach of updating user's schedule on page 222, L. col. last paragraph (under contact list third element, the user is engaged in any computer-media communication activities (shown by activity indicator).

As to claim 9, Tang teach of said schedule distribution element controls the dissemination of presence and availability information in a sliding-window mode whereby a available to subscribers predefined portion of a user's schedule is made (page 222, R. col. Fig.2).

As to claims 10-11, Tang teach of said predefined portion is defined by a sliding window measured from the present time until a predetermined period of time thereafter (Tang, page 225, L. col. last paragraph "current or next occurring appointment scheduled in his on-line calendar).

As to claims 12-14, Tang teach of said schedule distribution element is configured to send notification to subscribers of schedule change information when said sliding window encounters status changes in the user's schedule (Tang Fig. 7, awareness information on all devices in each local).

As to claim 15, Tang teach of said schedule subscribing element communicates with said schedule distribution element to negotiate whether to accept a subscription request (page 223, L. col. the paragraph before the last partial paragraph, starting with "When a user...").

As to claim 16, Tang teaches of said schedule distribution element controls whether to accept a subscription request (ignore the IM request, page 223, L. col. the paragraph before the last partial paragraph).

As to claim 17, Tang teaches of said subscription request identifies preferences associated with a given subscriber that mediate how information is disseminated to that subscriber (page 222, R. col. last paragraph).

As to claim 18, Tang teaches of said preferences are stored in said data store identifying those subscribers who have registered to received notifications (the relevant communication resource, page 222, R. col. last paragraph).

As to claim 19, Tang teach of said schedule distribution element is configured to selectively accept a subscription request even if the identified preferences are not met (page 223, L. col. first partial paragraph).

As to claim 20, Tang teach of said elements are interactive with one another via network communication (the environment of Tang is a network communication, page 224, R. col. The User Interface Design).

As to claim 21, Tang teaches of at least some of said elements are interactive with one another via programming interfaces (page 222, R. col. last paragraph).

Prior Art not relied upon:
4.   Please refer to the references listed on the attached PTO-892, which is relied upon in the claim rejections detailed above.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE The application has been amended as follows:
ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL.

How to Contact the Examiner:

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Majid Banankhah, whose telephone number is 571-272-3770. A voice mail service is also available at this number. The Examiner can normally be reached on Monday, and Wednesday - Friday, 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Al who can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PTO CENTRAL FAX NUMBER:
703-872-9306

- Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist:
(703) 305-3900.

11/21/05

MAJID BANZANKHAH
PRIMARY EXAMINER